



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	SUP #2018-0095
Approved by Planning and Zoning:	December 6, 2018
Permission is hereby granted to:	115 S Union, LLC
to use the premises located at:	115 South Union Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

November 15, 2018
Date


Karl Moritz, Director
Department of Planning and Zoning

DATE: December 7, 2018

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Max Ewart, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0095
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: 115 S Union Street, LLC
Location: 115 South Union Street
Zone: CD/ Commercial Downtown zone

Request

Special Use Permit (SUP) #2018-0095 is a request to change the ownership of restaurant. The proposed change of ownership would be from 115 Union CMB-GMB LLC to 115 S Union Street, LLC. No other changes to restaurant operations are proposed from the applicant. The 135-seat restaurant (115 inside and 20 outside) would operate between 5 a.m. to midnight, Sunday through Thursday and 5 a.m. to 1 a.m. Friday and Saturday. The first level outdoor patio, 20 seat, dining area would be limited to 7 a.m. to 10 p.m. seven days a week. Alcohol would be served on premises and the applicant anticipates hiring 20-30 staff members.

Background

The building was completed in 1989 and has been used as an office building with retail uses in the front section of the elevated first floor and a parking garage for the public and office occupants in the rear of the first floor and in the basement level. On June 24, 2017, City Council approved SUP #2017-0042 and 0043 for a hotel and restaurant. The new property owner does not wish to open the hotel, however, it would like to operate the restaurant as approved.

The applicant may propose future interior and exterior changes to the building, which would require reviews outside of the SUP process, to accommodate commercial uses on the first floor and office uses on upper floors. In addition, the applicant's parking lease agreement with the City is managed and reviewed separate of the SUP.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD do not have an off-site parking requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association received notification of the SUP request. Staff has not received any comments from residents during the noticing period.

Staff Action

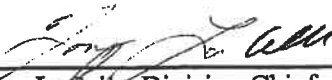
Staff views the change of ownership as a reasonable request. The reuse of this structure with a restaurant is consistent with the goals and objectives of the Old Town and Waterfront Small Area Plans especially to encourage the tourist potential of the historic and architectural aspects of Old Town; maintain a living, active waterfront that is a destination that attracts all Alexandrians and visitors and is integral to the visitor experience in Alexandria. Conditions have been carried forward from SUP2017-0042 and 0043 that relate to the restaurant; conditions that applied to the hotel use have been deleted. Additionally, staff has deleted Conditions 24 and 25 as requirements for commercial kitchens are addressed through the State Building Code. Condition 31 addresses the on-site parking garage use and has been amended to reflect only the restaurant use. Staff has amended Condition 1, Condition 4, and Condition 5 to clarify that the outdoor dining area is located on the first-floor patio level.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: December 7, 2018

Action: Approved



Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0095

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2017-0042, 0043)
2. **CONDITION AMENDED BY STAFF:** The maximum number of seats in the restaurant shall be 115. The maximum number of outdoor dining seats or number of patrons on the first level patio shall be 20. (P&Z) (~~SUP2017-0042, 0043~~)
3. The hours of operation of the restaurant shall be limited to between 5 a.m. to midnight, Sunday through Thursday, and from 5 a.m. to 1 a.m., Friday and Saturday. Meals ordered before the closing hour may be served, but no new patrons may be served and no new alcohol may be served. All patrons must leave within one hour after the closing hour. (P&Z) (SUP2017-0042, 0043)
4. **CONDITION AMENDED BY STAFF:** The hours of operation of the first level patio area shall be limited to 7 a.m. to 10 p.m., but no individuals other than staff may be permitted to enter the first level patio area after 9 p.m. (P&Z) (~~SUP2017-0042, 0043~~)
5. **CONDITION AMENDED BY STAFF:** There shall be no outdoor musical or amplified entertainment in the first level patio area. (P&Z) (~~SUP2017-0042, 0043~~)
6. No off-premises alcohol may be sold at this establishment. (P&Z) (SUP2017-0042, 0043)
7. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z) (SUP2017-0042, 0043)
8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP2017-0042, 0043)
9. All loading, refuse removal, and delivery activity shall occur at the alley located to the north of this building. Wales Alley and Union Street shall not be used for these purposes. (P&Z) (SUP2017-0042, 0043)
10. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP2017-0042, 0043)
11. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP2017-0042, 0043)

12. The Special Use Permit shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of conditions associated with the permit. A copy of the list of conditions with the permit shall be kept on the premises and made available for examination by the public upon request. (P&Z) (SUP2017-0042, 0043)
13. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP2017-0042, 0043)
14. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2017-0042, 0043)
15. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2017-0042, 0043)
16. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP2017-0042, 0043)
17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP2017-0042, 0043)
18. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP2017-0042, 0043)
19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2017-0042, 0043)
20. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2017-0042, 0043)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2017-0042, 0043)

22. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2017-0042, 0043)
23. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2017-0042, 0043)
24. **CONDITION DELETED BY STAFF:** ~~If a commercial kitchen is constructed then the kitchen facility shall be provided with an oil & grease separator and the discharge from the separator shall be connected to a sanitary sewer. (T&ES) (SUP2017-0042, 0043)~~
25. **CONDITION DELETED BY STAFF:** ~~Submit two originals of the Oil and Grease separator Maintenance Agreement with the City prior to issuance of the building permit. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan. (T&ES) (SUP2017-0042, 0043)~~
26. **CONDITION DELETED BY STAFF:** ~~Vehicles picking up or delivering hotel guests shall not idle for more than 5 minutes at any time within the vicinity of the hotel. (T&ES) (SUP2017-0042, 0043)~~
27. **CONDITION DELETED BY STAFF:** ~~This project is located within the locally regulated Old and Historic Alexandria District. Exterior alterations visible from a public way including signage, lighting, menu boards, and exterior vents require BAR approval, most of which can be administratively approved by staff. (BAR). (SUP2017-0042, 0043)~~
28. **CONDITION DELETED BY STAFF:** ~~If the land disturbance is greater than 2,500 square feet then the applicant shall submit a grading plan and meet all the requirements listed in the grading plan checklist, City Code, Article XIII Environmental Management Ordinance of the City of Alexandria, and described in various Memorandums to the Industry. If the expected land disturbance is less than 2,500 square feet then the applicant will submit Land Disturbance and Drainage Certificates along with the site plan showing topography, drainage, and grading. (T&ES) (SUP2017-0042, 0043)~~
29. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Provide \$996 per receptacle to the Director of T&ES for the purchase and installation of one (1) Victor Stanley Ironsites Series Model SD 42 blue receptacle with Dome Lid dedicated to recycling collection. The receptacle shall be placed in the public right of way. Payment required prior to issuance of the certificate of occupancy. (T&ES) (SUP2017-0042, 0043)~~
30. **CONDITION AMENDED BY STAFF:** ~~Install~~ Maintain a City standard parking garage wayfinding sign at the garage entrance near S. Union Street. ~~prior to issuance of a certificate of occupancy. (T&ES) (SUP2017-0042, 0043)~~

31. **CONDITION DELETED BY STAFF:** Provide a Parking Management Plan prior to issuance of a certificate of occupancy. The Parking Management Plan shall be approved by the Departments of P&Z and T&ES and shall at a minimum include the following:

- a. General project information/summary and development point of contact.
- b. Provide information about any controlled access into the underground garage for vehicles and pedestrians. The controlled access shall be designed to allow convenient access to the parking for hotel guests.
- c. A plan of the garage facility including the number of lanes of traffic for entering/exiting, indicating any reversible lanes.
- d. Total capacity and a breakdown of parking types (standard, compact, tandem, accessible, etc.).
- e. Bicycle parking information (number of spaces, type of parking racks, gated, location, etc.).
- f. Information on management of spaces for monthly account permits and transient day parkers.
- g. A description of and plan showing access control equipment and locations.
- h. An explanation of how the garage will be managed. Include information on access for hotel guests and monthly/hourly/daily parkers, hours of operation, and accommodation for the various users of the garage (short and long term parking, car and vanpools, bicycles, etc.).
- i. Information on proposed staffing needs for peak, non-peak and overnight hours.
- j. How rates will be determined and details of validation program if proposed. (T&ES) (SUP2017-0042, 0043)

32. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit six months and one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2017-0042, 0043)

33. The applicant shall install a screening structure at least six feet tall along the edge of the first level patio where it overlooks Wales Alley. The design of the structure shall be approved by the Director of Planning and Zoning and by the Board of Architectural Review. (P&Z) (SUP2017-0042, 0043)

34. **CONDITION DELETED BY STAFF:** The patio area off the building's second level shall be restricted to use only by guests with rooms adjoining that patio and access shall be restricted from the lower level patio. (P&Z) (SUP2017-0042, 0043)

35. **CONDITION ADDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with

both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)

36. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
37. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)

R-2 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)

R-3 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (T&ES)

Code Administration

No comments received

Fire

C-1 A fire prevention permit is required for this location

Health

No comments received

Police


No comments received

Recreation, Parks, and Cultural Activities

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0095. The undersigned also hereby agrees to obtain all applicable licenses and permits required for restaurant at 115 South Union Street.


Applicant - Signature

Michael B. Gimbert
Authorized Person

12-7-18
Date

Applicant - Printed

Date